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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,900	11/23/2001	Parag Gokhale	606928006US	3389
25096 7590 05/18/2009 PERKINS COIE LLP PATENT-SEA P.O. BOX 1247 SEATTLE, WA 98111-1247				
EXAMINER				
CHEN, TE Y				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/991,900

**Applicant(s)**

GOKHALE ET AL.

**Examiner**

SUSAN Y. CHEN

**Art Unit**

2161

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: 06/27/06, 10/06/06, 02/19/09

***Response to Amendment***

This office action is in response to the amendment filed on 02/18/2008.

Claims 1-20 are pending for examination.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crouse et al. (U.S. Patent No. 5,764,972) in view of SitKa (U.S. Patent No. 6,330,572).

As to claim 12, Crouse et al. [hereinafter referred as Crouse] disclosed a system [Abstract, Fig. 2] for processing file input/output commands of one or more removable media from a storage device [e.g., see Fig. 9 and associated texts], the system comprising:

a) a user interface [e.g., the network file interface (34) running on user node (10), Fig. 2] for receiving input/output identification data including the data to identify one or more media [e.g., the media type, volume serial Name, location and access attributes at col. 14, line 47 – Col. 16, line 5] from the storage device for removing [e.g., col. 16,

lines 50 – col. 17, line 12; col. 19, Removable Media Module processing section; the unload media processing (492, Fig. 16e)].

b) a data file stored in a memory device for storing the export identification data [e.g., the Removable Media Reserved File 194, Fig. 9; col. 19, lines 37-51] ;

c) a task control subsystem [e.g. the AFS Control Program (40), Fig. 2] for retrieving [e.g. via the Scan module 192, Fig. 9] the export identification data from the data file and controlling the library to cause the export of the selected media [e.g., Fig(s). 9, 12 and associate texts specifically col. 19, lines 24 – col. 21, lines 16].

Crouse did not specifically disclose the file input/output commands including a scheduling of an exporting processing.

However, Sitka disclosed a data storage system to automatically scheduling an import and export I/O commands for removable devices [e.g., Title, Abstract, the DSM system 10, Fig. 1 and associated texts, col. 9, lines 5 – 56; col. 10, lines 1 – 40, col. 17, lines 31 – col. 19, lines 6].

Crouse and Sitka are in the common field to process file input/output operations via a common interface, therefore, with the teachings of Crouse and Sitka in front of him/her, an ordinary skilled person in the art at the time the invention was made would have been motivated to modify Crouse's user interface with the import and export

commands as disclosed by Sitka, because by doing so, the combined system will facilitate a system user to schedule the import or export operation with ease.

As to claims 13-14, except all the above, the combined system further disclosed that the user interface is configured to allow a user to specify one or more media to be exported by one or more respective media identifiers/criteria [e.g., Crouse: col. 15, lines 3-49] and store the specified media identifier/criteria [e.g., Crouse: col. 19, lines 37-51].

As to claim 15, except all the above, the combined system further disclosed that the task control subsystem comprises an evaluator [e.g., Crouse: the AR module 184, Fig. 9] to evaluate the stored criteria to determine which one or more media in the library satisfy the specified one or more criteria [Crouse: col. 22, lines 8-27].

As to claim 16, except all the above, the combined system further disclosed that system having an export history data file which containing a field associated with each media indicating the status of the export of the media [e.g. Crouse: the Archive Status field of the table between col. 21- col. 22],

As to claim 17, the combined system further disclosed that the user interface is configured to allow a user to specify a specific event following which the media is to be exported [e.g., if the system user specifies the life span for a remote file, once the life

span is exhausted, the file is eligible for termination when the media space is needed [e.g., Crouse: Fig. 14d, col. 22, lines 55-64].

As to claims 1-11 and 18-20, these claims recited similar features as cited in claims 12-17, in form of method or computer readable medium, hence are rejected for the same reason.

### ***Response to Arguments***

Applicant's arguments filed on 02/18/2009 have been fully considered but they are not persuasive.

The examiner disagrees with applicant's arguments that Neither Crouse nor Sitka disclosed the claimed "at a first time, receiving export identification data comprising first data identifying one or more removable media from the storage device to be exported and second data identifying a second time at which the one or more removable media is scheduled to be exported; and at the second time, using the stored export identification data to select one or more removable media to be exported to export the selected media from the storage device library."

In response to above arguments, the examiner first points out that applicant did not clearly specify the values of the claimed first and second time frame. As such, they are open for reasonable art interpretation.

Further, Crouse clearly disclosed a system to import/export (or input/output) files of removable devices over a distributed network environment [e.g., Title, Abstract] by

using a flexible dispatch control module [e.g., the unit 150, Fig. 9] which controls various identification data as specified in the tables at col. 15 -16. Wherein, the import/export operations of the file distributing system (or input/output operations of a dispatcher controlled file system) are deemed to be performed at the claimed first and second scheduled time via removable media manager (RM, e.g., the unit 182) and archiving module (AR, e.g., the unit 184) as described at col. 17, lines 1 – col. 18, lines 9 and col. 19, lines 24 – col. 21, lines 16.

In addition, Sitka also disclosed the claimed import/export files operations of removable devices over a hierarchical/direct storage management system [e.g., Fig. 1 and associated texts]. Wherein, Sitka's system applies various files migration and drive selection policies by setting the claimed first and second time frames with stored global unique identifications such as the migration low and high watermarks of files based on File's vs Scheduled time attributes as claimed [e.g., col. 17, lines 31 – col. 19, lines 6].

Because Crouse and Sitka are of analogous art to process file import/exports operations via a common interface for removable storage devices via stored identifications over scheduled time attributes of the import/exports files, therefore, the combined inventions of Crouse and Sitka are deemed to be a prima facie obvious in view of the claimed limitations.

Based on the discussion above, since applicant does not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show

how the amendments avoid such references or rejections, therefore, it is believed that the rejections on record should be sustained.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUSAN Y. CHEN whose telephone number is (571)272-4016. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mofiz Apu can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Susan Y Chen/  
Partial Sig. Examiner  
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May 15, 2009

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